IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.985 OF 2003
IN
S.C.SUIT NO.54 OF 2002

Siddhivinayak Oudyogik Vasahat).. Appellant

versus

Murlidhar Vedu Jadhav).. Respondent

Mr.R.M.Hardas with Mr.P.J.Joshi for the Appellant.

Mr.R.A.Thorat with Mr.M.M.Sathaye for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 2ND NOVEMBER 2004

P.C. :

. The Appellant who is the Plaintiff before the trial Court had sought specific performance of agreements dated 15th August 1990 and 15th November 1999. The trial Court has refused temporary injunction which the Appellant had sought. The trial Court has come to the conclusion that the Defendant is the owner of land admeasuring 41 hectares and 10 ares. The trial Court has concluded that the agreement of 15th August 1990 on which basis the suit has been filed is unregistered and not properly stamped. As rightly pointed out by Mr.Thorat for the Respondent, the documents of 15th August 1990 and 15th November 1999 cannot constitute agreements as they have not been

signed by the Appellant. At best these documents may be declarations signed by the Defendant but they cannot prima facie constitute agreements. Therefore, in my view, temporary injunction sought on the basis of such documents which according to the Plaintiff are agreements of sale, cannot be granted.

2. In view of the above, Appeal disposed of accordingly.

3. In view of the disposal of the Appeal From Order, nothing survives in Civil Application No.1416 of 2003 and the same is disposed of accordingly.